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SENATE

REPORT
100-186

MAKING MISCELLANEOUS TECHNICAL AND MINOR AMENDMENTS TO LAWS RELATING TO INDIANS, AND FOR OTHER PURPOSES

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1987.—Ordered to be printed

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Mr. INOUYE, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 2937]

The Select Committee on Indian Affairs, to which was referred the bill (H.R. 2937) making miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 1, on line 3, delete the words "That section" and insert the following:

> SECTION 1. This Act may be cited as the "Indian Law Technical Amendments of 1987".
>
> SECTION 2. Section.

2. On page 1, line 7, delete "2" and insert in lieu thereof "3".
3. On page 2, line 6, delete "3" and insert in lieu thereof "4".
4. On page 2, line 15, delete the word "implementation" and insert in lieu thereof the work "execution".
5. On page 3, line 1, delete "4" and insert in lieu thereof "5".
6. On page 3, line 15, delete "5" and insert in lieu thereof "6".
7. On page 4, after line 6, insert the following new subsection:

> (c) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to transfer to the White Earth Economic Development and Tribal Government Fund, out of funds in the Treasury of the

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United States not otherwise appropriated, an amount equal to the sum of—

(1) $55,917 for the interest that would have accrued on the settlement funds appropriated pursuant to section 15 of the White Earth Reservation Land Settlement Act of 1985 if such funds had been properly invested during the period beginning on November 17, 1986, and ending on January 12, 1987, plus

(2) an amount equal to the interest that would have accrued on $55,917 during the period beginning on January 12, 1987, and ending on the date the transfer required under this subsection is made by the Secretary of the Treasury if $55,917 had been invested as part of the White Earth Economic Development and Tribal Government Fund on January 12, 1987.

Amounts transferred to the White Earth Economic Development and Tribal Government Fund under this subsection shall be treated as interest accrued on such Fund.

8. On page 4, line 7, delete "6" and insert in lieu thereof "7".

9. On page 4, line 8, after the word "payment", insert the following phrase: "out of funds in the judgments, awards, and compromise settlements account of the United States Treasury".

10. On page 5, after the line 2, insert the following new sections:

SEC. 8. Section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421) is amended—

(1) by striking out "During the 2-year period beginning on the date referred to in subsection (f) of this section" in subsection (d) and inserting in lieu thereof "Unless the Board provides otherwise".

(2) by inserting ", until October 1, 1989," after "Secretary of the Interior shall" in subsection (d), and

(3) by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e)(1) The transfers required under subsection (b) shall be completed by no later than June 1, 1988.

"(2) The Institute shall be under the direction and control of the Secretary of the Interior until the earlier of—

"(A) June 1, 1988, or

"(B) a date agreed to by the Board and the Secretary of the Interior.

"(f)(1) Before the later of October 15, 1987, or the date that is 10 days after the date of enactment of the Indian Law Technical Amendments of 1987, the Secretary of the interior shall enter into a contract with the University of New Mexico, the terms of which shall—

"(A) include all administrative systems which are customary to the operation of a national art institute,

"(B) require the provision by the University of New Mexico of technical assistance to the Institute, including the monitoring of the transfers that are required to be made under subsection (b),

"(C) provide for the establishment by the University of New Mexico of an advisory council that makes rec-

ommendations to the University of New Mexico with respect to the operation of a contract,

"(D) allow the University of New Mexico to fulfill its obligations under the contract through subcontracts that are entered into in accordance with section 7 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450e),

"(E) provide for the expiration of the contract on the date that is 6 months after the date the contract is entered into, but the Board and the University of New Mexico may mutually agree to extend the contract for an additional 2-month period,

"(F) provide that any materials furnished to the Secretary of the Interior by the University of New Mexico, or any subcontractor of the University of New Mexico, under the contract shall become the property of the Institute, and

"(G) include such other terms as the Secretary of the Interior determines to be necessary.

"(2) The advisory council that is required to be established under the contract entered into under paragraph (1) shall be composed of—

"(A) a delegate of the executive director of the National Congress of American Indians,

"(B) a delegate of the president of the American Indian Higher Education Consortium, and

"(C) at least 5 individuals possessing knowledge and experience in Indian arts and culture and in postsecondary education, a majority of whom shall be Indians.".

SEC. 9. Subsection (e) of section 3 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 6;75) is amended—

"(1) by striking "Payments" in paragraph (4)(B) and inserting in lieu thereof "Except as otherwise provided in paragraph (5), payments",

"(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and

"(3) by inserting after paragraph (4) the following new paragraph:

"(5)(A) The Tribal Council may accelerate the payment of the aggregate sum of $3,000 to those members of the tribe certified under paragraph (3) who—

"(i) are certified by a physician to be—

"(I) terminally ill, or

"(II) at least 50 percent permanently disabled, or

"(ii) are at least 60 years of age.

"(B) Notwithstanding any other provision of this Act, the Tribal Council may use interest accrued on the Investment Fund for the purpose of making accelerated payments under subparagraph (A).".

SEC. 10. The Frank's Landing Indian Community in the State of Washington is hereby recognized as eligible for

the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as eligible to contract, and to receive grants, under the Indian Self-Determination and Education Assistance Act for such services, but the proviso in section 4(c) of such Act (25 U.S.C. 450b(c)) shall not apply with respect to grants awarded to, and contracts entered into with, such Community.

PURPOSE

This measure makes miscellaneous technical and minor amendments to various statutes relating to Indians.

BACKGROUND AND SECTION-BY-SECTION ANALYSIS OF H.R. 2937 AS AMENDED

H.R. 2937 was introduced by Representative Udall on July 14, 1987, to make technical amendments to several Indian laws. The bill was further amended by the Senate Select Committee on Indian Affairs and the following analysis reflects those amendments.

Section 1 was added by the Senate Select Committee on Indian Affairs to name the bill the "Indian Law Technical Amendments of 1987".

Section 2 amends a 1910 Act authorizing Indians to dispose of their interests in allotted lands by will. The amendment changes the minimum age for execution of such a will from 21 years and older to 18 years and older.

Section 3 amends a 1961 Act declaring certain lands are held in trust for eight New Mexico Pueblo tribes. One tract of land was erroneously transferred to the Santa Ana Pueblo instead of to the Zia Pueblo. A 1986 Act to make the correction was, in itself, in error. Therefore, subsection (a) provides that language identifying the tract of land, "Section 5, lots 7 and 9", is deleted from section 1 of the 1961 Act relating to the Santa Ana Pueblo and inserted instead in section 2, the section relating to the Zia Pueblo. Subsection (b) then repeals the erroneous provision of the 1986 Act.

Section 4 amends the 1973 Indian Judgment Fund Distribution Act to make it clear that any kind of income earned on a judgment fund, whether by way of interest or otherwise, is covered by the Act. The section also provides that any funds left over after a plan has been implemented and the funds distributed, and for which no other use has been provided by law, shall be held in trust for the benefit of the tribe or tribes involved. The title of the Act is amended to be cited as the "Indian Judgment Funds Use or Distribution Act". The Select Committee on Indian Affairs added a technical amendment to clarify that the new subsection (b) takes effect on completion or "execution" of a plan.

Section 5 amends the 1984 Old Age Assistance Claims Settlement Act to permit settlement of only those welfare payment claims which were included in the Federal Register publication. The Act provided for settlement of claims of individual Indians against the United States for the wrongful payment to States, from funds of deceased Indians. Only claims published in the Federal Register by

a certain date were eligible for settlement. The BIA, in error, published several claims that involved welfare payments rather than old age payments. This amendment makes it clear that those that were published, even though in error, will be paid.

Section 6 makes two amendments to the White Earth Reservation Land Settlement Act of 1985. Subsection (a) includes in the Act's definition of "Heir" any person who is determined under Minnesota law to be entitled to receive compensation under section 8 of the Act. Subsection (b) defines the phrase "proper county recording officer" to mean a county recorder, registrar of titles, or probate court in Becker, Clearwater or Mahnomen County in Minnesota. All of the disputed allotted lands are located in these three counties. However, interests in those lands may have been probated in other counties in Minnesota or elsewhere and the amendment is intended to limit the Secretary's search to the three counties. If the interest was probated elsewhere, the Secretary would probate the interest under his existing authority.

The Senate Select Committee on Indian Affairs recommends a further amendment to provide for an interest payments on funds that should have been invested in a timely manner by the Bureau of Indian Affairs but which were not so invested. The White Earth Reservation Settlement Act of 1985 authorized a $6.6 million economic development fund for that tribe and the money was made available in the fiscal year 1987 appropriations bill for the Department of the Interior, which was authorized for expenditure by OMB on November 17, 1987. The Bureau of Indian Affairs failed to invest the money until January 12, 1987. The amendment will provide for payment of $55,917 in interest from November 17, 1986 to January 11, 1987 and is needed because there is not authority to make payments to tribes when the BIA makes errors in the handling of trust monies.

Section 7 authorizes the U.S. Treasury to pay interest on a refund owed to the Cook Inlet Region, Inc. (CIRI), an Alaska Native Corporation. The interest is owed for the period of time that the government held funds which were mistakenly withheld from revenues owed to CIRI under the Alaska Native Claims Settlement Act. These funds were erroneously paid by the Department of the Interior to the Treasury Department as windfall profits taxes (WPT) from CIRI lands during 1980 and 1981.

The Windfall Profits Tax Act contains an exemption for "Indian oil" which includes an exemption for oil produced from Alaska Natives interests. Pursuant to the applicable provisions of the Alaska Native Claims Settlement Act (ANCSA), CIRI selected and conveyed the subsurface estate of minerals (oil, gas and coal) underlying lands within certain Federal leases known as the Swanson River and Beaver Creek Units of the Kenai National Moose Range in Alaska. CIRI has, since their conveyance, been entitled to a portion of the royalty and other revenues from those leases. During 1980 and 1981, the Department of the Interior incorrectly collected WPT from CIRI leases.

The Interior Department determined in a legal opinion dated March 27, 1987 that the funds paid as WPT from CIRI's share should be refunded to CIRI, and the refund totaling $535,086 was paid in April, 1987. In the absence of legislation, no legal avenue is

available to the Department to pay any interest on the refund. The interest is estimated to be approximately $550,000.

Section 7 of H.R. 2937, adopted by the House Interior Committee prior to reporting the bill, provides that interest will be calculated and paid in the same manner as interest is paid under other statutory provisions on funds paid to native corporations as a result of failure to escrow lease proceeds received during the period between withdrawal for selection and actual conveyance of selected lands. The Select Committee on Indian Affairs added an amendment to clarify the exact fund from which the payment is to be made.

Section 8 is a new section recommended by the Select Committee on Indian Affairs to respond to the need for a smooth transition of the Institute for American Indian Arts from operation by the Bureau of Indian Affairs to operation as an independent institution governed by an appointed Board of Regents. Delays in the appointment of a new Board of Trustees and delays in preparing transition arrangements have made it necessary to extend the time during which the BIA will be responsible for the operation of the Institute.

This amendment is identical to a bill, S. 1708, introduced on September 22, 1987, by Senators Domenici and Bingaman. The Institute of American Indian Art is located in Santa Fe, New Mexico, and the 99th Congress enacted legislation to change the legal and administrative framework, primarily to help attract more private donations and foundation support. The amendment authorizes a 6-month transition contract with the University of New Mexico and creates a new interim advisory board to assist and advise the University in transition matters, until the new permanent Board is appointed and functioning.

Section 9 is a new section recommended by the Select Committee on Indian Affairs to authorize the Saginaw Chippewa Tribe to accelerate payments to certain tribal elders under P.L. 99–346. This judgment fund authorization legislation authorized a tribal elderly assistance investment fund. The income generated will be distributed to enrolled tribal members who are over 50 years old by May 4, 1988. These people will receive annual per capita payments until they receive an aggregate amount of $3,000.

It now appears that the income generated by the fund will mean very small per capita payments to the elders, some who have been waiting since 1946 when the claim was first filed. The amendment will accelerate payments to those tribal members who are 60 years old and older, to those who have a fifty percent or more disability and to those who have terminal illnesses.

Section 10 is a new section intended to clarify the status of the community of Frank's Landing, Washington. Located along the banks of the Nisqually River, Frank's Landing consists of approximately 19 acres of land held in trust by the United States. There are approximately 60 members of the Frank's Landing Community, approximately 35 of whom reside at Frank's Landing. Most are members of the Puyallup or Nisqually Tribes, although Frank's Landing is geographically isolated from the Puyallup and Nisqually Reservations. Some residents of the Frank's Landing community are full-blood Indians but whose ancestry is from several tribes. Consequently, they fail to meet the blood quantum requirements of any of them.

Section 10 of the Committee amendment is intended to clarify that residents of Frank's Landing are eligible for the special programs and services provided by the United States to Indians because of their status as Indians, notwithstanding their tribal membership status. The amendment also allows for Federal agencies to contract directly with the Frank's Landing Indian Community Board, the Frank's Landing Community Development Board, and the Wah-He-Lute Indian School Board under Public Law 93-638.

The Committee's amendment is not intended to create or to establish Frank's Landing as a Federally-recognized Indian Tribe. Likewise, the amendment is not intended to establish as Indian Reservation or to alter in any way existing jurisdictional arrangements. Finally, the Committee understands that any rights to fish or hunt or any other reserved rights of residents of Frank's Landing as members of Federally-recognized Indian tribes derive from their membership in such tribes and are not affected in any way by this amendment.

Legislative History

H.R. 2937 was introduced by Representative Udall on July 14, 1987 and it passed the House of Representatives on August 3, 1987. The bill was referred to the Senate Select Committee on Indian Affairs on August 4, 1987.

Committee Recommendations and Tabulation of Vote

The Select Committee on Indian Affairs, in open business session on September 25, 1987, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 2937, as amended. The amendments appear on page 1 of this report. Present and voting yes were Senators Inouye, Evans, Melcher, Daschle, Burdick, and Murkowski.

Cost and Budgetary Considerations

The cost estimate of H.R. 2837, as amended, as evaluated by the Congressional Budget Office, is set forth below:

U.S. Congress,
Congressional Budget Office,
Washington, DC., September 28, 1987.

Hon. Daniel K. Inouye,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 2937, the Indian Law Technical Amendments of 1987, as ordered reported by the Senate Select Committee on Indian Affairs, September 25, 1987. Based on information provided by the Bureau of Indian Affairs, we estimate that enactment of this legislation would result in costs to the federal government of about $0.6 million in fiscal year 1988. These expenditures would not require appropriation action.

H.R. 2937 amends the Indian Old Age Assistance Claims Settlement Act to allow reimbursement by the federal government for

certain welfare payment claims by Indians. the act also directs the Secretary of the Treasury to transfer to the White Earth Economic Development and Tribal Government Fund $55,917 plus interest to cover lost interest on certain settlement funds. Section 7 of the act requires the Secretary of the Interior to calculate, and the Secretary of the Treasury to pay, interest on certain revenues previously owed and paid to Cook Inlet Region, Inc. H.R. 2937 also makes several other technical amendments to laws affecting Indians.

The amount of interest that the federal government would be required to pay to Cook Inlet Region, Inc. would be approximately $500,000. Payment of the welfare claims allowed under this act could total as much as $45,000, and the transfer of funds to the White Earth Economic Development and Tribal Government Fund would cost about $60,000. The other provisions of H.R. 2937 are not expected to result in significant costs to the federal government, although the costs of the legislation could be partially offset by some savings from limiting the federal government's probate searches under the White Earth Reservation Land Settlement Act of 1985 to three counties.

Enactment of this legislation would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

JAMES BLUM
(For Edward M. Gramlich,
Acting Director).

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that H.R. 2937, as amended, will have a minimal impact on regulatory of paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee received the following letter from the U.S. Department of the Interior giving the Administration's views on H.R. 2937:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC., September 24, 1987.

Hon. DANIEL K. INOUYE,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to present our views on H.R. 2937 as passed by the House of Representatives, an act "To make miscellaneous and technical amendments to laws related to Indians, and for other purposes."

We recommend enactment of H.R. 2937 subject to an amendment to address our concerns on section 6.

Section 1 would amend a law enacted in 1910 (25 U.S.C. 373) to change from 21 to 18 the minimum age at which Indian individuals may dispose of trust property by will. The change is consistent with the current age of majority and the age at which Indians may dispose of other than trust property by will. Moreover, the disposal of interests in trust land by will should be encouraged because it can avoid the fractionization of interests that can result from intestate succession.

Section 2 would correct an error in a land description which listed certain lots as belonging to the Pueblo of Santa Ana rather than the Pueblo of Zia. The lots have been administered and used as if the description were correct and both Pueblos are in favor of the correction.

Section 3 provides three amendments to what is usually called the Indian Tribal Judgment Funds Use of Distribution Act (25 U.S.C. 1401 et seq.). The first substitutes "investment income earned for "interest income earned" to more precisely state that the income (whether it be identified as interest or otherwise) from the investment of amounts appropriated for judgments awarded a tribe is added to the judgment amount for disposition under the Act.

The second amendment in section 3 provides for the disposition of judgment funds remaining after implementation of a plan under the Act or under a special Act. Although it is our intention to draft plans and propose bills or amendments to bills which will provide for the complete disposition of the judgment funds and income earned thereon, in the past there have been amounts left over for which no authority is provided. Rather than seeking special legislation for such cases, we favor the general authority that section 3 would provide.

The last amendment in section 3 would make the short title referenced above the official short title for the Act to facilitate citation.

We believe there may be a possible ambiguity concerning the use of the word "implementation" in section 3(b). To avoid this ambiguity, and to clarify that the event which triggers the relinquishment of the funds by the Secretary is the completion of the plan, we recommend that section 3(b) be amended to strike the word "implementation" and insert in lieu thereof, "execution".

Section 4 would amend the Old Age Assistance Claims Settlement Act (25 U.S.C. 2301 et seq.) to permit certain welfare reimbursement claims which were identified in specified Federal Register publications to be paid on the same basis as comparable old age assistance reimbursement claims. The court in *Running Horse* v. *Udall*, 211 F. Supp. 586 (D.D.C. 1962) held that the Secretary of the Interior improperly reimbursed State of county governments out of Indian trust estates the amount of old age assistance payments they made to the individual Indians during their lifetime. The rationale *Running Horse* applies with equal force to welfare reimbursements. The provision in section 4 would limit the welfare claims payments to the 89 listed claims totaling about $45,000.

Section 5 provides two amendments to facilitate carrying out the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331 note). The first amendment would enable the Secretary of the Interior to apply the laws of Minnesota governing the inheritance of money and other personal property in the determining of heirs under the Act. Without the amendment the Secretary must apply the law of the State in which the decedent was domiciled at the time of death. By applying the laws of Minnesota as of the date of enactment of the Act (March 26, 1987), the application of a multiplicty of inheritance laws at various points in time is avoided and we will be able to hold down the cost and time required for the probate of estates under the Act.

The other amendment in section 5 provides a more accurate description of the county officials included in the term "proper county recording officers" in section 5(b) of the Act. It also includes the recognition of previous county probates in any of the three counties in which the reservation is located rather than just in the county where the land is located. Under that Act as it now stands, we can recognize a county probate only as being applicable in the county where the land involved is located. However, in some cases a decedent owned interests in land in more than one of the three counties but the probate is filed in only one of the counties and the Act now would require a probate by the Secretary for the interests in land in the other counties. The amendment would avoid these unnecessary probates by the Secretary.

Section 6 of H.R. 2937 provides that the Secretary of the Interior shall calculate and certify to the Secretary of the Treasury for payment to Cook Inlet Region, Inc. (CIRI) interest on funds withheld from revenues owned to CIRI under the Alaska Native Claims Settlement Act (ANCSA) paid to the Treasury as windfall profits taxes on oil production in Alaska. The amendment provides that the interest shall be calculated by the Secretary of the Interior in the same manner provided in the escrow provisions of Public Law 94-204 (89 Stat. 1146), as amended by section 1411 of Public Law 96-487 (94 Stat. 2497), and section 22 of Public Law 99-396 (100 Stat. 846) which are set out as a note to 43 U.S.C. 1613.

As we interpret section 6 of H.R. 2937, the interest could be calculated at the same rate earned by our investment accounts and compounded, then paid out the Treasury funds. There could be a potentially bad precedent set by tying this interest payment into the escrow provisions. Other ANCSA corporations could ask that their interest on any claims awarded them by the Federal Government also be paid pursuant to the escrow provisions. This provision sets up a legal fiction in treating the proceeds subject to the windfall profits tax as though they had been received prior to an earlier land conveyance. We are concerned that this could open up a broad range of post-conveyance claims by which any Alaska Native Corporation might have against the Federal Governments.

Furthermore, this could be a bad precedent because the rate and timeliness of interest payments on other claims against the Government are generally determined by the Treasury Department. These are usually at a lower rate than that earned by Bureau Investment Accounts; which is the rate used for the escrow accounts

under ANCSA and the Alaska Natural Interest Lands Conservation Act (ANILCA).

We recommend deletion of section 6. However, if Congress decides that interest should be paid, the Department of the Interior believes that such interest should reflect the time value of the funds held. Therefore, we believe that section 6 should be revised to indicate payment of interest at the Treasury current value of funds rate, as published quarterly in the Federal Register. In addition, we suggest that this section be further amended to clarify the intent that the interest will not be paid with funds from the escrow accounts by inserting a comma after "payment" and the following "out of funds in the Treasury of the United States not otherwise appropriated,".

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ROSS O. SWIMMER,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 25, 1910

(36 Stat. 856)

* * * * * * *

SEC. 2. That any Indian of the age of [twenty-one years, or over,] *the age of eighteen or older to* whom an allotment of land has been or may hereafter be made, shall have the right, prior to the expiration of the trust period and before the issue of a fee sample patent, to dispose of such allotment by will, in accordance with rules and regulations to be prescribed by the Secretary of the Interior: *Provided, however,* That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Comissioner of Indian Affairs and the Secretary of the Interior: *Provided further,* That sections one and two of this Act shall not apply to the State of Oklahoma.

* * * * * * *

ACT OF SEPTEMBER 14, 1961

(75 Stat. 500)

That title to the following public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Santa Ana:

NEW MEXICO PRINCIPAL MERIDIAN

Township 13 north, range 3 east:
Section 5, that portion of the section situated west of New Mexico Highway 44;
Section 6, lots 4, 5, 6, 7, 11, 12, and 13, southeast quarter northwest quarter, south half northeast quarter, east half southwest quarter, southeast quarter.
Township 14 north, range 3 east:
Section 1, lots 1, 2, 3, 4, 5, 6, and 7, south half north half, north half south half, southeast quarter southeast quarter;
Section 3, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 4, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 5, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, south half northeast quarter, northeast quarter southeast quarter;
Section 7, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Section 12, lots 1, 4, 5, and 8, east half east half;
Section 13, lots 1, 4, 5, and 8, east half east half;
Section 18, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 19, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 24, lots 1, 4, 5, and 8, east half east half;
Section 25, lots 1, 4, 5, and 9, east half east half;
Section 30, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 31, lots 2, 3, 4, 5, 8, 9, 10, and 11.
Township 14 north, range 4 east;
Section 6, lots 3 and 4, south half northwest quarter, southwest quarter;
Section 7, west half;
Section 18, west half, west half east half;
Section 19, west half, west half east half;
Section 30, northwest quarter, west half northeast quarter, southwest quarter, west half southeast quarter;
Section 31, northwest quarter northeast quarter, northeast quarter northwest quarter.
Township 15 north, range 3 east;
[Section 5, lots 7 and 8;]
Section 10, lots 1, 3, and 4, southeast quarter southwest quarter;
Section 11, lots 1, 2, 3, and 4;
Section 12, lots, 1, 2, 3, and 4;
Section 13, all;
Section 14, all;
Section 15, all;
Section 17, all;
Section 18, east half;
Section 19, east half;
Section 20, all;
Section 21, all;
Section 22, all;
Section 23, all;
Section 24, all;

Section 25, all;
Section 26, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, lot 4, east half; southeast quarter southwest quarter;
Section 31, all;
Section 33, all;
Section 34, all;
Section 35, all;
Township 15 north, range 4 east;
Section 7, lots 2 and 3;
Section 18, west half;
Section 19, west half;
Section 30, west half;
Section 31, west half; containing 22,975.87 acres, more or less.

SEC. 2. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Zia;

NEW MEXICO PRINCIPAL MERIDIAN

Township 14 north, range 1 east;
Section 1, west portion of section not included in Zia Pueblo trust land described in Act of August 13, 1949 (63 Stat. 604);
Section 12, all;
Section 14, all;
Section 15, all;
Section 22, all;
Section 23, west portion of section not included in Zia Pueblo trust land described in Act of August 13, 1949 (63 Stat. 604);
Section 24, all;
Section 26, all;
Section 27, all;
Township 14 north, range 2 east;
Section 1, lots 11, 12, 13, 14, 15, 16, and 17, south half southwest quarter, southwest quarter southeast quarter;
Section 4, lots 9, 10, 11, and 12, south half south half;
Section 6, lots 10, 11, 12, 13, 14, 15, 16, 17, and 18, south half southeast quarter, southeast quarter southwest quarter, northeast quarter southwest quarter, southeast quarter northwest quarter;
Section 8, all;
Section 10, all;
Section 11, east half east half;
Section 12, all;
Section 13, all;
Section 14, all;
Section 18, all;
Section 20, all;
Section 22, all;
Section 23, east half east half;
Section 24, all;
Section 25, all;

Section 26, all;
Section 28, lots 1, 2, and 5, north half, north half southeast quarter, southeast quarter southeast quarter;
Section 30, all;
Section 34, all;
Section 35, lot 1, east half northeast quarter, northeast quarter southeast quarter.
Township 15 north, range 2 east;
Section 1, lots 1, 2, 3, and 4;
Section 4, lots 1, 2, 3, and 4;
Section 6, lot 1;
Section 8, lots 1, 2, 3, and 4, north half north half;
Section 10, lots 1, 2, 3, and 4, north half north half;
Section 11, lot 1, northeast quarter northeast quarter;
Section 12, lots 1, 2, 3, 4, 5, and 6, north half north half;
Section 13, lots 1, 2, 3, and 4;
Section 18, west half west half;
Section 24, lots 1, 2, 3, and 4;
Section 25, lots 1, 2, 3, and 4;
Section 30, lots 1, 2, 3, and 4, west half.
Township 15 north, range 3 east;
Section 5, lots 7 and 8;
Section 6, lots 3, 4, 5, and 6;
Section 7, all;
Section 8, all;
Section 9, lots 1, 2, 3, and 4, west half, south half southeast quarter;
Section 10, lot 2, southwest quarter southwest quarter;
Section 18, west half;
Section 19, west half;
Section 30, lots 1, 2, and 3, east half northwest quarter, northeast quarter southwest quarter, containing 20,163.41 acres, more or less.

* * * * * * *

ACT OF OCTOBER 28, 1986

(100 Stat. 3243)

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ADDITIONAL LANDS HELD IN TRUST; TECHNICAL AMENDMENTS

SEC. 2. (a) Public Law 95-498 is amended by striking out "That all right" after the enacting clause and inserting in lieu thereof "That (a) all right".

(b) Subsection (a) of the first section of Public Law 95-498 is amended—

(1) by striking out the comma after "northwest quarter" in the nineteenth line of the paragraph relating to Section 23, Township 13 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1673),

(2) by striking out "Rec. PP CL 10/10/62 and" in the paragraph relating to such Section 23,

(3) by striking out "northeast quarter, northeast quarter" in the fourth line of the paragraph relating to Section 25, Township 13 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1673) and inserting in lieu thereof "northeast quarter, southeast quarter",

(4) by striking out "7, 8 and bed" in the paragraph relating to Section 9, Township 13 North, Range 4 East, New Mexico Principal Meridian (92 Stat. 1674) and inserting in lieu thereof "7 and bed",

(5) by inserting the following new paragraph after the paragraph relating to Section 6, Township 14 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1674):

"Section 36:

Lots 1, 4, 8, 9

Northeast quarter northeast quarter,", and

(6) by inserting the following new paragraph after the paragraph relating to section 31 of Township 14 North, Range 4 East (92 Stat. 1675)":

"Section 32:

Southwest quarter, southwest quarter southeast quarter,".

(c) Section 4 of Public Law 95–498 is amended—

(1) by striking out "Nothing in this" in subsection (a) and inserting in lieu thereof "(1) Nothing in this", and

(2) by adding at the end of subsection (a) the following new paragraph:

"(2) The United States retains an easement of access for the purpose of operating and maintaining the Jemez Canyon Dam upon existing rights-of-way over the lands that are declared to be held in trust of the benefit of the Pueblo of Santa Ana under this Act. The Pueblo of Santa Ana shall enjoy full use of such rights-of-way to the extent such use does not interfere with the reasonable operation and maintenance of the Jemez Canyon Dam.".

(d) Subsection (a) of section 7 of Public Law 95–498 is amended by striking out "2004.05 acres" and inserting in lieu thereof "1678.05".

[(e) Lots 7 and 8, section 5, Township 14 North, Range 3 East, N.M.P.M. containing 18.04 acres more or less, are hereby declared to be held in trust by the United States for the exclusive benefit of the Pueblo of Zia.]

* * * * * * *

Act of October 19, 1973

(87 Stat. 466)

(a) That, notwithstanding any other law, all use of distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with [any interest] *investment income* earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this Act.

(b) Except as provided in the Act of September 22, 1961 (75 Stat. 584), amounts which the Secretary of the Interior has remaining after implementation of either a plan under this Act, or another Act

enacted heretofore or hereafter providing for the use or distribution of amounts awarded in satisfaction of a judgment in favor of an Indian tribe or tribes, together with any investment income earned thereon and after payment of attorney fees and litigation expenses, shall be held in trust by the Secretary for the tribe or tribes involved if the plan or Act does not otherwise provide for the use of such amounts.

(c) This Act may be cited as the "Indian Tribal Judgment Funds Use or Distribution Act".

* * * * * * *

OLD AGE ASSISTANCE CLAIMS SETTLEMENT ACT

(98 Stat. 2317)

* * * * * * *

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "unauthorized disbursement" means a disbursement made from the trust estate of a deceased Indian which was made by the Secretary of a State or a political subdivision of a State or political subdivision for any old age assistance made to the deceased Indian before death in violation of Federal laws governing Indian trust property: *Provided,* That, except for purposes of section 4, the term also includes the reimbursements for welfare payments identified in either the list published on April 17, 1985, at page 15290 of volume 50 of the Federal Register, as modified or amended on November 13, 1985, at page 46835 of volume 50 of the Federal Register, or the list published on March 31, 1983, at page 13698 of volume 48 of the Federal Register, as modified or amended on November 7, 1983, at page 51204 of volume 48 of the Federal Register; and

(3) "trust estate" means that portion of the estate that consists of real or personal property, title to which is held by the United States for the benefit of the Indian or which may not be alienated without the consent of the Secretary.

* * * * * * *

WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985

(100 Stat. 61, et seq.)

* * * * * * *

SEC. 3. For purposes of this Act:

(a) "Allotment" shall mean an allocation of land on the White Earth Reservation, Minnesota, granted, pursuant to the Act of January 14, 1889 (25 Stat. 642), and the Act of February 8, 1887 (24 Stat. 388), to a Chippewa Indian.

(b) "Allottee" shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a full blood Indian on the roll approved by the United States District Court for the

District of Minnesota on October 1, 1920, or who was so designated by a decree of a Federal court of competent jurisdiction; it shall also refer to an individual who is not designated on said roll but who is the biological child of two full blood parents so designated on the roll or of one full blood parents so designated on the roll and one parent who was an Indian enrolled in any other federally recognized Indian tribe, band, or community.

(d) "Inherited" shall mean received as a result of testate or intestate succession or any combination of testate or intestate, succession, which succession shall be determined by the Secretary of the Interior or his authorized representative.

(e) "Mixed blood" shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a mixed blood by decree of a Federal court of competent jurisdiction; it shall also refer to any descendants of an individual who was listed on said roll providing the descendant was not a full blood under the definition in subsection (c) of this section. The term "mixed blood" shall not include an Indian enrolled in any federally recognized Indian tribe, band, or community other than the White Earth Band.

(f) "Tax forfeited" shall mean an allotment which, pursuant to State law, was declared forfeited for nonpayment of real property taxes and purportedly transfered directly to the State of Minnesota or to private parties or governmental entities.

(g) "Majority" shall mean the age of twenty-one years or older.

(h) "Secretary" shall mean the secretary of the Interior or his or her authorized representative.

(i) "Trust period" shall mean the period during which the United States held an allotment in trust for the allottee or the allottee's heirs. For the purpose of this Act, the Executive Order Numbered 4642 of May 5, 1927, Executive Order Numbered 5768 of December 10, 1931, and Executive Order Numbered 5953 of November 23, 1932, shall be deemed to have extended trust periods on all allotments or interests therein the trust periods for which would otherwise have expired in 1927, 1932, or 1933, notwithstanding the issuence of any fee patents for which there were no applications, and if such allotments were not specifically exempted from the Executive orders; and the Indian Reorganization Act of June 18, 1934, shall be deemed to have extended indefinitely trust periods on all allotments or interests therein the trust periods for which would otherwise have expired on June 18, 1934, or at any time thereafter. Said Executive orders and Act shall be deemed not to have extended the trust period for allotments or interests which were sold or mortgaged by adult mixed bloods, by non-Indians, or with the approval of the Secretary, or for allotments or interests which were sold or mortgaged by anyone where such sale or mortgage was the subject of litigation in Federal court which proceeded to a judgment on the merits and where the outcome of such litigation did not vacate or void said sale or mortgage.

(j) "Interest", except where such item is used in conjunction with "compound", shall mean a fractional holding, less than the whole, held in an allotment.

(k) "Adult" shall mean having attained the age of majority.

[(l) "Heir" shall mean one who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law.]

(l) "Heir" means a person who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law, or one who is determined under section 9, by the application of the inheritance laws of Minnesota in effect on March 26, 1986, to be entitled to receive compensation payable under section 8.

(m) "Transfer" includes but is not limited to any voluntary or involuntary sale, mortgage, tax forfeiture or conveyance pursuant to State law; any transaction the purpose of which was to effect a sale, mortgage, tax forfeiture or conveyance pursuant to State law; any Act, event, or circumstance that resulted in a change of title to, possession of, dominion over, or control of an allotment or interest therein.

* * * * * * *

SEC. 5. (a) Any determination of the heirs of any person holding an allotment or interest, made by the courts of the State of Minnesota, which is filed with the proper county recording officer prior to May 9, 1979, shall be deemed to have effectively transferred the title of the decedent in the allotment or interest to the heirs so determined unless a separate determination of heirs has been made by the Secretary before the effective date of this Act and such determination has been filed with the proper county recording officer within six months after the effective date of this Act. Nothing in this subsection shall be construed to remove any allotment described in section 4 from the compensation provided for in the Act.

[(b) The proper county recording officer is the county recorder of the county in which the allotment or interest is located if the title has not been registered pursuant to Minnesota law. If the title has been so registered, the proper county recording officer shall be the registrar of titles in the county in which the allotment or interest is located.]

(b) The 'proper county recording officer', as that term is used in subsection (a) of this section, shall be a county recorder, registrar of titles, or probate court in Becker, Clearwater, or Mahnomen Counties, Minnesota.

(c) As to any allotment which was granted to an allottee who had died prior to the selection date of the allotment, the granting of such allotment is hereby ratified and confirmed, and shall be of the same effect as if the allotment had been selected by the allottee before the allottee's death: *Provided,* That the White Earth Band of Chippewa Indians shall be compensated for such allotments in the manner provided in sections 6, 7, and 8.

(d) As to any allotment that was made under the provisions of the Treaty of March 19, 1867 (16 Stat. 719), and which was reallotted under the provisions of the Act of January 14, 1889 (25 Stat. 642), such reallotment is hereby ratified and confirmed.

(Public Law 99-498, Title XV, § 1514, Oct. 17, 1986, 100 Stat. 1608.)

* * * * * * *

§ 4421. Transfer of functions

(a) INSTITUTE OF AMERICAN INDIAN ARTS.—There are hereby transferred to the Institute of American Indian and Alaska Native Culture and Art Development, and such Institute shall perform, the functions of the Institute of American Indian Arts established by the Secretary in 1962.

(b) CERTAIN MATTERS RELATING TO TRANSFERRED FUNCTIONS.—

(1) All personnel, liabilities, contracts, real property (including the collections of the museum located on the site known as the "Santa Fe Indian School" but not the museum building), personal property, assets, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this chapter (regardless of the administrative entity providing the services on the date before the transfer) shall be transferred to the Institute.

(2) Personnel engaged in functions transferred by this chapter shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

(c) REFERENCES IN OTHER LAWS.—All laws and regulations relating to the Institute of American Indian Arts established by the Secretary in 1962 shall, insofar as such laws and regulations are appropriate, and not inconsistent with the provisions of this chapter, remain in full force and effect and apply with respect to the Institute. All references in any other Federal law to the Institute of American Indian Arts, or any officer transferred to the Institute of American Indian and Alaska Native Culture and Arts Development under subsection (b) of this section, shall be deemed to refer to the Institute of American Indian and Alaska Native Culture and Arts Development or an officer of the Institute of American Indian and Alaska Native Culture and Arts Development.

(d) TECHNICAL AND SUPPORT ASSISTANCE.—[During the 2-year period beginning on the date referred to in subsection (f) of this section,] *Unless the Board provides otherwise,* the Secretary of the Interior shall, *until October 1, 1989,* provide such technical and support assistance to the Institute as the Secretary determines reasonable or necessary to assist the Institute. Such assistance shall include audit, accounting, computer services, and building and maintenance services.

[(e) ADVISORY BOARD.—During the period beginning on October 17, 1986, and ending on the date referred to in subsection (f) of this section, the Advisory Board for Institute of American Indian Arts shall continue to act in an advisory role for the Board and the Institute of American Indian and Alaska Native Culture and Arts Development.

[(f) EFFECTIVE DATE.—The provisions of this section (other than subsection (e) of this section) shall take effect on October 1, 1986.]

(e)(1) The transfers required under subsection (b) shall be completed by no later than June 1, 1988.

(2) The Institute shall be under the direction and control of the Secretary of the Interior until the earlier of—

(A) June 1, 1988, or

(B) a date agreed to by the Board and the Secretary of the Interior.

(f)(1) Before the later of October 15, 1987, or the date that is 10 days after the date of enactment of the Indian Law Technical Amendments of 1987, the Secretary of the Interior shall enter into a contract with the University of New Mexico, the terms of which shall—

(A) include all administrative systems which are customary to the operation of a national art institute,

(B) require the provision by the University of New Mexico of technical assistance to the Institute, including the monitoring of the transfers that are required to be made under subsection (b),

(C) provide for the establishment by the University of New Mexico of an advisory council that makes recommendations to the University of New Mexico with respect to the operation of the contract,

(D) allow the University of New Mexico to fulfill its obligations under the contract through subcontracts that are entered into in accordance with section 7 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450e),

(E) provide for the expiration of the contract on the date that is 6 months after the date the contract is entered into, but the Board and the University of New Mexico may mutually agree to extend the contract for an additional 2-month period,

(F) provide that any materials furnished to the Secretary of the Interior by the University of New Mexico, or any subcontractor of the University of New Mexico, under the contract shall become the property of the Institute, and

(G) include such other terms as the Secretary of the Interior determines to be necessary.

(2) The advisory council that is required to be established under the contract entered into under paragraph (1) shall be composed of—

(A) a delegate of the executive director of the National Congress of American Indians,

(B) a delegate of the president of the American Indian Higher Education Consortium, and

(C) at least 5 individuals possessing knowledge and experience in Indian arts and culture and in postsecondary education, a majority of whom shall be Indians.

(Public Law 99-346 [S. 1106]; June 30, 1986]

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN DISTRIBUTION OF JUDGMENT FUNDS ACT

AN ACT To provide for the use and distribution of funds appropriated in satisfaction of judgements awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 57, 59, and 13E of the Indian Claims Commission and docket numbered 13F of the United States Claims Court, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DEFINITIONS

SECTION 1. (a) This Act may be cited as the "Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act".

(b) For purposes of this Act—

(1) The term "tribe" means the Saginaw Chippewa Indian Tribe of Michigan.

(2) The term "Tribal Council" means the Saginaw Chippewa Tribal Council.

(3) The term "Secretary" means the Secretary of the Interior.

ABROGATION OF PRIOR PLAN

SEC. 2. Notwithstanding Public Law 93-134 (25 U.S.C. 1401 et seq.) or any plan prepared or regulation promulgated by the Secretary pursuant to such law—

(1) the funds appropriated in satisfaction of judgments awarded the tribe in dockets numbered 59 and 13E of the Indian Claims Commission, and

(2) the balance of any undistributed funds appropriated in satisfaction of the judgments awarded the tribe in docket numbered 57 of the Indian Claims Commission and docket numbered 13F of the United States Claims Court,

and any interest or investment income accrued on the amount of such funds on or before the date of any transfer made pursuant to section 5 or 8 (less any attorneys' fees and court costs), shall be distributed and used in accordance with the provisions of this Act.

INVESTMENT FUND

SEC. 3. (a)(1) The tribe, through the Tribal Council, shall establish a trust fund for the benefit of the tribe which shall be known as the "Investment Fund". The principal of the Investment Fund shall consist of—

(A) the funds transferred by the Secretary to the Tribal Council pursuant to section 5(a),

(B) the amounts required to be included in principal under subsection (c) or section 8(c),

(C) such portion of the funds paid to the Tribal Council under section 8(a) as the Tribal Council may elect to add to the principal, and

(D) such other amounts of the income of the Investment Fund which the Tribal Council may elect to retain and add to the principal.

(2) The Tribal Council shall be the trustee of the Investment Fund and shall administer the Investment Fund in accordance with the provisions of this Act.

(b)(1) The principal of the Investment Fund shall be used exclusively for investments or expenditures which the Tribal Council determines—

(A) are reasonably related to—

(i) economic development beneficial to the tribe, (or)

(ii) the development of tribal resources, or

(B) are otherwise financially beneficial to the tribe.

(2) Under no circumstances shall any part of the principal of the Investment Fund be distributed in the form of per capita payments to the members of the tribe or used or expended for purposes other than investment or economic development projects and programs.

(3) None of the income of the Investment Fund may be distributed or expended before the date that is 18 months after the date on which the amendments to the constitution of the tribe referred to in section 4(a) are adopted and ratified by the qualified voting members of the tribe (within the meaning of such constitution).

(c) At least 10 percent of the income earned on the Investment Fund during each of the first 10 fiscal years of the Investment Fund beginning after such Investment Fund is established shall be retained in the Investment Fund and become part of the principal of the Investment Fund.

(d)(1) The Investment Fund shall be maintained as a separate book account.

(2) The books and records of the Investment Fund shall be audited at least once during each fiscal year of the Investment Fund (or before the end of the 3-month period beginning on the last day of such fiscal year) by an independent certified public accounting firm which shall prepare a report on the results of such audit. Such report shall be treated as a public document of the tribe and a copy of the report shall be available for inspection by an enrolled member of the tribe.

(e)(1) From the funds described in section 2 and transferred to the Tribal Council pursuant to section 5(a), the sum of $1,000,000 shall be set aside within 90 days of receipt of such funds by the Tribal Council for the express purposes of establishing a separate Elderly Assistance Investment Fund.

(2) Income generated by the Elderly Assistance Investment Fund shall be distributed on a per capita basis to each enrolled Tribal member who is 50 years of age or older on the date that is 18 months after the date on which the amendments to the constitution of the tribe referred to in section 4(a) are adopted and ratified by the qualified voting members of the tribe.

(3) Tribal members entitled to participate in the distribution of such income shall submit verifiable documentation as to their age to the Tribal Council no later than the date that is 3 months after the date established pursuant to paragraph (2) of this subsection. The Tribal Council shall prepare and certify a list of all Tribal members entitled to participate in the distribution of income from the Elderly Assistance Investment Fund within 30 days following the above date.

(4) Distribution of the income from the Elderly Assistance Investment Fund shall be made pursuant to the following terms and conditions:

(A) No tribal member certified to participate shall receive more than the aggregate sum of $3,000 from the income generated by the Elderly Assistance Investment Fund.

(B) [Payments] *Except as otherwise provided in paragraph (5), payments* shall be made to each Tribal member certified to participate on an equal pro-rata basis from the available income generated by the Elderly Assistance Investment Fund.

(C) The initial per capita distribution shall be made no sooner than the date that is 30 days after the date that the Tribal Council certifies the list of eligible Tribal members pursuant to paragraph (3) nor no later than 120 days following such date.

(E) If succeeding per capita distributions are necessary to bring the aggregate payment to each Tribal member certified to participate to the sum of $3,000, such distribution shall be made on or before the anniversary date of the initial per capita distribution.

(F) If any Tribal member certified to participate should die before receving the initial or any succeeding per capita distribution, the payment which would have been paid to that individual shall be returned to the Elderly Assistance Investment Fund for distribution in accordance with this subsection.

(5)(A) The Tribal Council may accelerate the payment of the aggregate sum of $3,000 to those members of the tribe certified under paragraph (3) who—

(i) are certified by a physician to be—

"(I) terminally ill, or

"(II) at least 50 percent permanently disabled, or

(ii) are at least 60 years of age.

(B) Notwithstanding any other provision of this Act, the Tribal Council may use interest accrued on the Investment Fund for the purpose of making accelerated payments under subparagraph (A).

[(5)] *(6)* When all Tribal members certified to participate in the per capita distribution have been paid the aggregate sum of $3,000, the principal sum of $1,000,000 together with any remaining interest of the Elderly Assistance Investment Fund shall revert back and become part of the Investment Fund established pursuant to subsection (a)(1): *Provided,* That, nothing in this subsection shall be construed to prevent the Tribal Council from establishing an Elderly Assistance Investment Fund or Program providing for per capita distributions or other programs for elderly Tribal members from the income of the Investment Fund and subject to such terms, conditions and eligiblity criteria as the Tribal Council may provide.

[(6)] *(7)* The Elderly Assistance Investment Fund shall be governed and subject to the same conditions as provided for in subsections (b) and (d) but not the provisions of subsection (c) of this section.

(B) Any Elderly Assistance Investment Fund or Program which may be subsequently established by the Tribal Council shall be subject to the terms of this Act except that subsection (e) of this section shall not be applicable to such Fund or Program.

TRIBAL CONSTITUTION

SEC. 4. (a) Notwithstanding any other provision of law, the Tribal Council may call a tribal election and, pursuant to such election, the tribe may adopt (without the approval of the Secretary) any amendments to the constitution of the tribe which were approved by the Tribal Council on April 15, 1985, in resolution L and O–03–85.

(b) Any amendments to the constitution of the tribe other than the amendments referred to in subsection (a) may only be adopted

in accordance with the provisions of such constitution and applicable Federal law and may not be adopted before the date that is 18 months after the date on which the amendments referred to in subsection (a) are adopted and ratified by the qualified voting members of the tribe.

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